

#39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Garrison, et al.

Serial No. 08/994,047

Filed: December 17, 1997

For: Electronic Bill Payment System
With Merchant Identification

Appeal No.: 2006-2552

Art Unit: 3628

Examiner: Robinson Boyce,
Akiba KCANCELLATION OF HEARING ATTENDANCE &
INTENTION TO WITHDRAW APPEALBoard of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

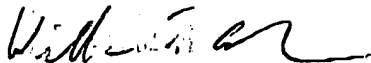
OCT 25 2006

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

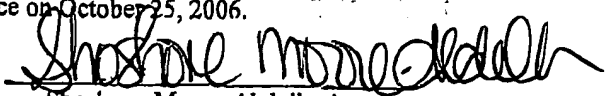
Sir:

The Applicants hereby confirm cancellation of the hearing attendance submitted herewith. Further, the Applicants hereby notify the Board of Patent Appeals and Interferences of their intention to withdraw the application from appeal (Appeal No. 2006-2552) by the filing of a request for continued reexamination under 37 CFR § 1.17(e) to continue prosecution of the application. Attached is a copy of the filed RCE with confirmation that it was filed electronically with the United States Patent and Trademark Office on this date. This notification is made to avoid the rendering of a decision by the Board pursuant to MPEP § 1215.01.

Respectfully submitted,

William T. Cook
Reg. No. 58,072SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309
Telephone: 404-853-8000
Facsimile: 404-853-8806
Attorney Docket No. 23952-0044

I hereby certify that this correspondence is being transmitted via facsimile transmission to (703) 872-9306 to the U.S. Patent and Trademark Office on October 25, 2006.


Shoshone Moore-Abdulkarim

Acknowledgement Receipt

The USPTO has received your submission at **15:30:21** Eastern Time on **25-OCT-2006** by Deposit Account: 195029.

\$ **790** fee paid by e-Filer via **RAM** with Confirmation Number: 132.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

eFiled Application Information

EFS ID	1273346
Application Number	08994047
Confirmation Number	6069
Title	ELECTRONIC BILL PAYMENT SYSTEM WITH MERCHANT IDENTIFICATION
First Named Inventor	DAVID LEE GARRISON
Customer Number or Correspondence Address	29052
Filed By	William Thomas Cook
Attorney Docket Number	23952-0059
Filing Date	19-DEC-1997
Receipt Date	25-OCT-2006
Application Type	Utility

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
sb0030e_fill.pdf	3	Request for Continued Examination (RCE)	664847 bytes	◆ PASS
CF0044AMENDMENT.PDF	5	Amendment Submitted/Entered with Filing of CPA/RCE	148556 bytes	◆ PASS
DOC076.PDF	4	Information Disclosure Statement (IDS) Filed	165524 bytes	△ WARNINGS
This is not an USPTO supplied IDS fillable form				
fee-info.pdf	2	Fee Worksheet (PTO-875)	8197 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

If you need help:

- ***Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.***
- ***Send general questions about USPTO programs to the USPTO Contact Center (UCC).***
- ***If you experience technical difficulties or problems with this application, please report them via e-mail to Electronic Business Support or call 1 800-786-9199.***

PTO/SB/30EFS (08/06)

Approved for use through 08/31/2006, OMB 0861-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond in a collection of information unless it contains a valid OMB control number.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)

Application Number	08994047	Filing Date	1997-12-19	Docket Number (if applicable)	23952-0044	Art Unit	3628
First Named Inventor	David Lee Garrison			Examiner Name	Robinson Boyce, Akiba K.		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The instruction sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other _____

☒ Enclosed

☒ Amendment/Reply

☒ Information Disclosure Statement (IDS)

☐ Affidavit(s)/ Declaration(s)

☐ Other _____

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 195029

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (08/06)

Approved for use through 08/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/William T. Cook/	Date (YYYY-MM-DD)	2006-10-25
Name	William T. Cook	Registration Number	58072

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

RECEIVED**SUTHERLAND ASBILL &**

UNITED STATES PATENT AND TRADEMARK OFFICE

BRENNAN LLP

Board of Patent Appeals and Interferences

MAILED

OCT 04 2006

P.A.I. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

SUTHERLAND, ASBILL & BRENNAN, LLP
999 PEACHTREE STREET, N.E.
ATLANTA, GA 30309

Appeal No: 2006-2552
Appellant: DAVID LEE GARRISON et al.
Application No: 08/994,047
Hearing Room: A
Hearing Docket: B
Hearing Date: Thursday, November 16, 2006
Hearing Time: 01:00 PM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (703) 872-9306

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: () HEARING ATTENDANCE CONFIRMED (X) HEARING ATTENDANCE WAIVED

William C. Brennan
Signature of Attorney/Agent/Appellant

10-25-2006
Date

58,072
Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
<http://www.uspto.gov/web/offices/dcom/ocounsel/contact.htm#bpa>

**Sutherland
■ Asbill & ■
Brennan LLP**

ATTORNEYS AT LAW

999 Peachtree St., N.E.
Atlanta, GA 30309-3996
tel 404.853.8000
fax 404.853.8806
www.sablaw.com

Facsimile**CONFIDENTIAL****Date: October 25, 2006****Pages (including cover): 8****TO:****Recipient Name****Firm/Company****Fax****Telephone**

BPAI HEARINGS

USPTO

571-273-0299

USPTO CENTRAL

USPTO

703-872-9306

FAX

RECEIVED**OCT 25 2006****U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES****FROM: WILLIAM T. COOK****Email address: bill.cook@sablaw.com****Telephone: 404.853.8253****User number: 3797 Client number: 23952-0044****Message:**

This message is intended only for the use of the individuals or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by collect telephone at 404.853.8813 and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Atlanta ■ Austin ■ Houston ■ New York ■ Tallahassee ■ Washington, DC

AO 1561451.1